THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.32812 OF 1998

Between:

B.Anantha Reddy

……Petitioner

vs.

1Presiding Officer, Industrial Tribunal-cum-Labour Court, Godavarikani, Karimnagar District and another

……..Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.32812 OF 1998

O R D E R:

This writ petition is filed for a writ of Mandamus to quash the award, dated 09.06.1987 passed by the Industrial Tribunal/Labour Court (for short 'the Labour Court') Godavarikani, Karimnagar District in I.D.No.100 of 1986, dated 09.06.1987 and for a consequential direction to respondent No.2 to reinstate the petitioner into service as Conductor with back wages and all other consequential benefits.

The petitioner was working as Conductor in Andhra Pradesh State Road Transport Corporation. On 09.01.1986 while he was conducting bus, a surprise check was conducted at Stage 30 from Armoor to Morthad route. It was found that eight out of eighty five passengers had no tickets. Statements of six passengers were recorded, in which, it was stated that they have paid Rs.2.50 ps., each

to the petitioner, but later, he failed to issue the tickets. However, two passengers gave a statement that they boarded the bus at Armoor stage 30 to go to Kammarpalli stage 21 and they did not pay the fare and obtain tickets. The checking officials made the said two passengers to pay Rs.3.25 ps. each to the conductor.

On the basis of the check, departmental proceedings were initiated against the petitioner. On the basis of the enquiry report submitted by the second respondent-Enquiry Officer, dated 27.07.1984, the petitioner was removed from service. The petitioner having failed in his appeals before the Divisional Manager & Regional Manager, Karimnagar, who rejected the appeals on 05.12.1994 and 11.12.1985 respectively, approached the Labour Court by way of I.D., in which, the Labour Court passed the award, which is impugned in this writ petition, by which, he declined to interfere with the orders passed by the Primary and Appellate authorities.

Herard Sri Y.Ashok Raj, learned counsel for the petitioner and none appeared for the second respondent.

Sri Y.Ashok Raj, learned counsel raised the only contention that the amount said to be mis-appropriated by the petitioner is too meager and that therefore, the punishment of removal imposed on him is too harsh and dis-proportionate to the alleged mis-conduct.

I have carefully considered the submissions of the learned counsel for the petitioner, but I did not feel persuaded to accept his

contentions.

It is no doubt true that the amount involved is meager, but as held by the Supreme Court in a catena of judgments that it is the propensity of the employee to misappropriate, which is material and not the amount, which is misappropriated. The record clearly reveals that though the petitioner collected fares from six passengers, did not issue tickets to them, the petitioner had absolutely no plausible explanation for not issuing the tickets even after collecting the fares and in my view, the petitioner is guilty of committing serious mis-conduct. If any lenient view is taken, there is every possibility for such employees to repeat the same misdemeanor in future. Both the departmental authorities and the Labour Court have taken a proper view in the matter and since none of these orders suffer from any error, interference of this Court in exercise of the powers of judicial review under Article 226 is not called for.

For the aforementioned reasons, the writ petition fails and is accordingly dismissed. No costs.

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C.V.NAGARJUNA REDDY J.,

Dt.27.06.2007
tjs